

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CESAR PONCE,

Petitioner,

v.

ALICE PAYNE,

Respondent.

CASE NO. C06-152-RSM

ORDER DENYING § 2254
PETITION AND DISMISSING
ACTION WITH PREJUDICE

The Court, having reviewed petitioner's habeas petition, respondent's answer, petitioner's reply, and the Report and Recommendation of Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's petition for writ of habeas corpus (Dkt. #4) is DENIED and this action is DISMISSED with prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this _17_ day of October, 2006.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

ORDER DISMISSING § 2254
PETITION WITH PREJUDICE